



Michigan Environmental Crimes Handbook for Law Enforcement Personnel

Revised 09/06

Enforcement Contacts

D.E.Q. Pollution Emergency Alerting System (PEAS)	800-292-4706
D.E.Q. Environmental Assistance Center	800-662-9278
Medical Wastes (DEQ).....	517-335-8637
Radioactive Material Emergency (DEQ).....	517-335-8204
Scrap Tires (DEQ)	517-335-4757

Michigan Department of Environmental Quality

Office of Criminal Investigations

Lansing Headquarters

Chief Milton Scales	517-335-3434
Exec. Lt. Thomas Mittner.....	517-241-8550
Jean Carr, Executive Secretary	517-335-3434

Northwest Unit – Cadillac, MI

Lieutenant Thomas Wingate.....	231-775-3960, ext. 6109
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Southeast Unit – Warren, MI

Lieutenant Tina Straw.....	586-753-3723
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Michigan State Police, Motor Carrier Division,

Hazardous Materials Unit, (M-F)	517-336-6580
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Michigan State Police Operations, 24 Hrs.	517-336-6604
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U.S. Environmental Protection Agency

Criminal Investigation Division, Grosse Isle	734-692-7650
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U.S. Environmental Protection Agency

Pollution Hotline	800-621-8431
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CHEMTREC (24 hrs)	800-424-9300
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CANUTEL (Canada)	613-996-6666
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National Federal Response Center, U.S.C.G. (24 hrs)	800-424-8802
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Poison Control Center	800-292-6678
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Federal Bureau of Investigation	313-965-2323
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Public Health Department	_____
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Fire Department Haz-Mat Team.....	_____
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What is Environmental Crime?

Typically, it is the intentional, knowing, reckless, or criminally negligent violation of our environmental laws and regulations. Criminal liability for environmental violations can occur at any stage in the generation, treatment, transportation and disposal of pollution. Although one important basis for criminal prosecution of these crimes is Michigan's Natural Resources and Environmental Protection Act (NREPA, which will be dealt with in greater detail later), criminal prosecutions for these violations may also be brought under several different parts of state and federal criminal codes.

What Are the Motives?

Money, greed, the desire to make money or to save money. Proper storage, treatment, and disposal of pollution can be expensive. For example, the cost of legal disposal of hazardous waste can range up to approximately \$1,500 per 55-gallon drum, depending on the chemicals involved. Some generators choose to dispose illegally rather than pay the high cost of legitimate disposal. On the other hand, hazardous waste transporters often collect fees to properly dispose of the waste, but choose to illegally dispose of it and increase their profits.

Potential Offenders

Major generators of pollution include large manufacturing or industrial companies that make cars, furniture, and clothes, and chemical industries that produce acids, cyanide, heavy metals, ignitables, reactives, and solvents. Although large manufacturers, like the chemical industries, account for a majority of all hazardous waste produced, they comprise only a small portion of all generators. So, who are some of the other generators?

Water pollution, hazardous waste, household garbage, solid wastes, and medical wastes are products of our society. They are generated in large manufacturing facilities, as well as in the local community, including neighborhood households. Many small and medium businesses in the local community are producers of pollution and are subject to liability. These include: furniture builders or refinishers, electroplaters or metal stampers, automotive repair and body shops, gas stations, analytical laboratories, photo shops, funeral homes, dry cleaners, agricultural pesticide dealers, and hospitals. Virtually all types of industry or manufacturing generate some type of waste in producing their finished product.

Why Should Police Officers Be Concerned?

First and foremost, environmental crime scenes can be dangerous - officer and public safety are of paramount concern. And because it is against the law. All states have felony and misdemeanor level criminal provisions of their environmental laws. Second, environmental crimes threaten the health and environment of your community. Further, it is not unusual that people who engage in environmental crimes also are involved in other criminal activity. Finally, the consequences and impacts of response and clean-up activities that relate to these types of crimes could place a severe economic drain on the community and, therefore, your department. Environmental crimes can affect the community where you live and work.

Illegally disposed pollutants harm the environment and human health through:

- Surface water contamination;
- Ground water contamination via seepage;
- Air pollution via burning or evaporation;
- Fires and explosions;
- Poisoning via food chain; and
- Poisoning via exposure or direct human contact.

Multi-Agency Coordination

Successful environmental crime enforcement requires a teamwork approach. Special inter-agency cooperation and coordination is needed, with each member of the "environmental enforcement team" bringing their unique expertise to the investigation. This team includes regulators, law enforcement officers, prosecutors, chemists and others. None of the team members can successfully enforce these violations alone. Do not attempt to operate outside of your expertise and training. Contact the other members of the enforcement team and develop a teamwork approach to environmental crime enforcement.

State Statutes

The charts on pages 6-13 summarize many of the environmental statutes typically encountered by law enforcement personnel who investigate and prosecute environmental crimes. The charges are intended as a reference guide only and it is strongly recommended that you consult the actual statutes if you have a case that you believe may involve environmental criminal conduct. The charts break the statutes into the following categories:

- 1. Air Pollution**
- 2. Hazardous Waste**
- 3. Water Pollution**
- 4. Solid Waste**
- 5. Wetlands**
- 6. Environmental Remediation**
- 7. Liquid Industrial Waste**
- 8. Transporter Violations**
- 9. Scrap Tires, Batteries, Used Oil**

Also, be sure to refer to your local ordinances for other regulations and enforcement tools.

How to Recognize Potential Violations

Sometimes it will be easy to identify activities that are violations of the environmental laws and regulations, while at other times it will be more difficult without sophisticated equipment. Environmental crime is often reported by citizens who observe suspicious activity, company employees, or former employees who have observed, or participated in, environmental violations, and environmental regulatory inspectors. Local law enforcement officers can also encounter signs of potential environmental criminal activity. The following general guidelines can be used to assist officers in identifying potential criminal activity:

- Unusual** Does the type or source of the pollution seem unusual, i.e., something that is different from how similar things appear to work or from how they worked previously?
- Odor** Does the pollution present a strong odor or smell that is unpleasant? If the odor from the pollution burns your eyes, mouth, nose, or skin, you should immediately leave the area, contact local public health officials and the DEQ, and seek medical attention if it continues.
- Sight** Does the pollution look particularly nasty or foul? While everyone will have their own views on what this means, many of us will agree that certain things are offensive. For example, is there a strongly colored water discharge from a pipe going into a clear stream or are there dead fish or animals in the area of the pollution? Is there an area of dead grass or damaged vegetation near the pollution? Is dark black smoke coming out of a smokestack, so dark in fact that you cannot see through it at all? This is a likely air pollution violation. Similarly, is there a pipe discharging wastewater containing foam and visible solids or that leaves a visible oil sheen on the water? This is likely a water pollution violation.
- Secretive** Is there something secretive or suspicious about the potential pollution causing activity? For example, is a bulldozer operating at night in a marsh or wetland? This might be an indication that someone is illegally filling a wetland. Is a truck pouring wastewater into a sewer on the side of a road? This might be an indication that someone is illegally dumping hazardous waste. Is someone dumping garbage (in barrels, cans, or bags) at a site where it probably should not go, for example, in the back of a parking lot, in an alley, in a vacant city lot, in the woods, or in someone else's trash dumpster?

If the answer to these kinds of questions is yes, further investigation may be warranted. Your initial observations and referral may be the key to the subsequent successful investigation and prosecution.

Response Tips for Patrol Officers

Don't let the fact that environmental law enforcement is a new and unfamiliar realm prevent you from enforcing the laws. In environmental crime investigations, as in most cases, your best tool is standard investigative technique, with an environmental twist. Environmental investigations entail the same basic criminal investigations techniques as traditional law enforcement.

Most of the following procedures are common sense. *However, if any are contrary to your agency's standard operating procedure, verbal and/or written agency instructions, or local ordinances... the S.O.P. instructions or ordinance of your agency or locale should be followed.*

Never jeopardize your safety or the safety of the general public. Approach all potential environmental crime scenes with caution, as you would any other crime scene. This is for your safety and the preservation of physical evidence, and it conveys that you and your department are serious about these potential dangers. Do not attempt to enter a site unless you have had the proper training!

DO NOT BECOME A VICTIM!

PRELIMINARY EVALUATION OF THE SCENE . . . HAZARDOUS OR NOT?

If it is a Potentially Hazardous Situation, then:

- Immediately contact the authorities/professionals identified in this booklet;
- Secure the crime scene (see next section);
- Do not move or disturb anything;
- Stay out of the immediate area, be careful where you walk and what you breathe.

If the Scene involves Non-hazardous Waste, then:

- Follow the investigative tips in the next section of this booklet.

Investigative Tips

☛ **Secure the Crime Scene**

Request assistance from other members of the environmental enforcement team. You may need the assistance of several other agencies: environmental regulatory agency, state police or environmental crime investigators, hazardous materials response units or fire departments, state or local prosecutors, etc. Remember, a multi-agency response is usually necessary to ensure a successful investigation and prosecution of these types of crimes. Do not hesitate to contact these other agencies.

☛ **Look for Physical Evidence**

Look for evidence such as tire impressions, footprints, mail with addresses or names on boxes in the debris pile, lot numbers on drums, and all types of traditional evidence that you would collect from any crime scene.

☛ **Check with Area Residents**

Area residents may have witnessed the illegal activity or know who owns the property in question. The property owner could be a prime suspect or a victim. Either way you will want to talk to them.

☛ **Take Photographs**

Take photographs of the crime scene, evidence found, vehicle(s) and/or equipment involved, and the suspect. When in doubt, photograph.

☛ **Identify and Interview All Suspects**

Make a taped statement, if possible, or obtain written statements. If you have requested the assistance of other law enforcement agencies, you may want to detain all suspects until they arrive for further questioning.

☛ **Seize Paperwork**

Seize paperwork or items such as invoices, manifests, shipping papers, proposals, checks, business cards, etc. from any vehicle(s) involved.

☛ **Try to Satisfy the Elements of the Offense**

Satisfy as many elements of the violation as you possibly can using familiar police investigative techniques. Remember, do not hesitate to request assistance from other members of the “environmental enforcement team” in completing your investigation. You may want to contact local or state prosecutors as soon as possible to ensure that all elements of the offense are covered.

Michigan Criminal Environmental Enforcement Statutes

1994 Public Act 451

The Natural Resources and Environmental Protection Act

I. Air Pollution...Part 55

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine		Subsequent Violation
			Individual	Corporation	
Section 5531 (4) Knowingly releases into the ambient air a hazardous air pollutant into air, contrary to law/permit, and because of the quantities or concentrations, knew or should have known that the release placed another in imminent danger of death or serious bodily injury.	Felony	2 Years	\$10,000/day	Same	
Section 5531 (5) Knowingly releases or causes the release of any hazardous air pollutant contrary to law/permit, knew or should have known at the time of the release that the release places another in imminent danger of death or serious bodily injury and results in death or serious bodily injury.	Felony	6 years	\$25,000/day	Same	
Section 5531 (6) Knowingly releases into the ambient air a hazardous air pollutant into air, contrary to law/permit, and who intended at the time to place another in imminent danger of death or serious bodily injury and results in death or serious bodily injury.	Felony	15 years	\$250,000/day	Same	

II. Hazardous Waste... Part 111

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine		Subsequent Violation
			Individual	Corporation	
Section 11151(3) Knowingly stores, treats, transports or disposes of hazardous waste and at that time placed another in imminent danger of death or serious bodily injury and manifested unjustifiabl and inexcusable disregard or extreme indifference for human life.	Felony	2-5 years	\$250,000/ day	\$1 million/ day plus costs	
Section 11123 Conducting, managing, maintaining or operating a TSD facility without license.	Misd	1 year	\$25,000/ day	\$25,000/ day	
Section 11137 A TSD facility accept- ing waste without proper manifests.	Misd	1 year	\$25,000/ day	\$25,000/ day	
Sections 11135 and 11138 Failure to comply with the requirements of a hazard- ous waste generator.	Misd	1 year	\$25,000/ day	\$25,000/ day	
Section 11144 Failure to notify the depart- ment that hazardous waste is being treated, disposed of, or stored in violation of the Act.	Misd	1 year	\$25,000	\$25,000	
Section 11147 As a transporter of hazard- ous waste, failed to carry a copy of their registration and permit.	Misd	90 days	\$500	\$500	
Section 11149 Willfully tears down, removes or destroys any sign or notice warning of the presence of hazard- ous waste or marking the boundaries of a TSD facility.	Misd	90 days	\$500	\$500	

III. Water Pollution... Part 31

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine		Subsequent Violation
			Individual	Corporation	
Section 3109 Discharge Contaminants into state waters - A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to: 1) public health, safety or welfare; 2) to domestic commercial, industrial, agricultural, recreational or other uses that are or may be made of such waters; 3) value or utility of riparian rights; 4) animal/vegetable/mineral or the value or potential value of same.	Felony	2 years (5 years if the court finds substantial endangerment to public health)	\$2,500 to \$25,000/day, plus potential additional \$25,000/day per violation (\$1 million if the court finds substantial endangerment)	Same	\$25,000 to \$50,000/ day
Section 3115 Intentionally makes any false statement, representation, or certification in application for or form relating to a permit, or renders inaccurate any monitoring device or record required.	Felony	2 years	\$2,500 to \$25,000/day, plus potential additional \$25,000/day	\$25,000 to \$50,000/day	
Section 3115(a) Failure to obtain a permit or a violation of an issued permit.	Misd		\$2500	\$2500	
Section 3115(a) Alters or causes the alteration of a floodplain.	Misd		\$2,500	\$2,500	
Section 3115(a) Willful or recklessly violates a condition of a floodplain permit.	Misd		\$2,500/day	\$2,500/day	

IV. Solid Waste...Part 115

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine		Subsequent Violation
			Individual	Corporation	
Section 11509 Conducting a waste-storage, waste-treatment, or waste-disposal operation without a permit.	Misd	6 mos. (if in default of payment of fine)	\$1,000/day	\$1,000/day	
Section 11512 A person shall dispose of solid waste at a disposal area licensed under this part unless permit allows otherwise.	Misd	6 mos. (if in default of payment of fine)	\$1,000/day	\$1,000/day	
Section 11513 A person shall not accept solid waste generated outside of the county unless permitted otherwise.	Misd	6 mos. (if in default of payment of fine)	\$1,000/day	\$1000/day	
Section 11522 A person shall not burn grass clippings or leaves unless local ordinance permits.	Misd	6 mos. (if in default of payment of fine)	\$1,000/day	\$1,000/day	
Section 11527 A transporter of solid waste must deliver to a licensed transfer facility or disposal area. Transporter must also use proper vehicle and container to avoid littering.	Misd	6 mos. (if in default of payment of fine)	\$1,000/day	\$1,000/day	
Section 11514 Improper Disposal of Medical Waste.	Misd	6 mos. (if in default of payment of fine)	\$1,000/day	\$1,000/day	

Note: Open Dumping and Open Burning are two of the most commonly filed environmental misdemeanor charges brought in Michigan.

V. Wetland...Part 303

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine		Subsequent Violation
			Individual	Corporation	
Section 30304 A person shall not do any of the following without a permit: 1) deposit or permit the depositing of fill material in a wetland; 2) dredge, remove, or permit the removal of soil/minerals from a wetland; 3) construct, operate, or maintain any use or development in a wetland; 4) drain surface water from a wetland.	Misd		\$2,500	\$2,500	
Section 30316 If a willful or reckless violation of permit. (Note: All Section 30316 violations may include restoration)	Misd	1 year	\$2,500 to \$25,000	\$2,500 to \$25,000	Felony 2 years and/or \$50,000

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VI. Environmental Remediation...Part 201

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine		Subsequent Violation
			Individual	Corporation	
Section 20139 A person shall not release or cause a release of a hazardous substance, contrary to law/permit if that person knew or should have known that such releases could cause personal injury or property damage.	Felony	2 years	\$2,500 to \$25,000 per violation	\$2,500 to \$25,000 per violation	2 years and/or \$25,000 to \$50,000
Section 20139 Violations are same as above but defendant posed a substantial endangerment to public health, safety, or welfare.	Felony	5 years	\$1 million	\$1 million	

VII. Liquid Industrial Waste..... Part 121

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine		Subsequent Violation
			Individual	Corporation	
Liquid Industrial Waste Section 12113 Failed to manage liquid industrial waste to prevent any of the following: (a) Discharge of liquid industrial waste into the soil. (b) Discharge of liquid industrial waste into surface water or groundwater. (c) Discharge of liquid industrial waste into a drain or sewer. (d) Discharge of liquid industrial waste in violation of part 55.	Misd	6 Months	\$1,000 Minimum, \$2,500 Maximum	\$1,000 Minimum, \$2,500 Maximum	Each day that a violation continues constitutes a separate violation
Section 12116(2) A person who knowingly makes or causes to be made a false statement or entry in a license application or a manifest is guilty of a felony.	Felony	2 Years	\$2,500 Minimum, \$10,000 Maximum	\$2,500 Minimum, \$10,000 Maximum	Each day that a violation continues constitutes a separate violation

VIII. Transportation Violations

TRANSPORTER - Transporter regulations affect the movement of hazardous waste from the place of generation to the point of treatment, storage, or disposal. Transporters must obtain U. S. EPA identification numbers and are required to keep a copy of the manifest, or in the event of rail or water transportation, shipping papers for three years. Shipping papers must include the proper shipping name of hazardous material, the proper hazardous class for each (flammable, corrosive, etc.), the correct identification number for each, the correct total quantity by weight, volume or as otherwise appropriate. Shippers must also ensure that applicable placarding requirements have been met for the materials being shipped. A 10-3/4 inch diamond decal must be visibly displayed on each of the four sides of the exterior of the transport container for the hazardous materials.

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine		Subsequent Violation
			Individual	Corporation	
Section 12116(2) A person who knowingly makes or causes to be made a false statement or entry in a license application or a manifest is guilty of a felony.	Felony	2 Years	\$2,500 Minimum, \$10,000 Maximum	\$2,500 Minimum, \$10,000 Maximum	Each day that a violation continues constitutes a separate violation
Sections 11132(a) or 12107 A vehicle used to transport hazardous waste or liquid industrial waste, if transporting by highway, shall carry a copy of the registration and permit issued in accordance with the hazardous materials transportation act and shall produce it upon request of the department or peace officer.	Misd	6 Months	\$1,000 Minimum, \$2,500 Maximum	\$1,000 Minimum, \$2,500 Maximum	Each day that a violation continues constitutes a separate violation

IX. Other Violations

Prohibited Act	Level of Violation	Maximum Imprisonment	Maximum Fine		Subsequent Violation
			Individual	Corporation	
Scrap Tires –Section 16909 Illegal disposal of a scrap tire	Misd	180 days and/or 100 hours of community service	\$500.00 - \$10,000	\$500.00 - \$10,000	1 year or \$1,000 - \$25,000 or both per violation
Section 16903 A person who owns or operates a <u>tire collection site</u> must accumulate tires in a manner comporting with height, width, depth, covering, and health and fire requirements.	Misd	180 days and/or 100 hours of community service	\$500.00 - \$10,000	\$500.00 - \$10,000	1 year or \$1,000 - \$25,000 or both per violation
Used Batteries - Section 17107 A person other than a retailer, distributor, or manufacturer who knowingly disposes of lead acid or mercuric acid batteries in violation of this part is guilty of a misdemeanor punishable by a fine of not more than \$25.00, plus the costs of prosecution. Each battery that is unlawfully disposed of is a separate violation.	Misd		\$25 per battery	\$1,000 and/or 60 days	
Used Oil – Section 16704 A person shall not dispose of or cause the disposal of used oil by dumping used oil onto the ground; discharging, dumping, or depositing used oil into sewers, drainage systems, surface waters, groundwaters, or other waters of this state; except as provided in subsection (2), by incineration; as refuse; or onto any public or private land unless the land is designated by the state or an agency or political subdivision of the state as a collection facility for the disposal, dumping, or deposit of used oil and if the used oil is placed in a receptacle or container installed or located at the collection facility.	Misd.	90 Days (or Recycling-related Community Service, number of hours determined by the court)	\$1,000 Maximum	\$2,500 Maximum	

Terms and Definitions

CERCLA - *Comprehensive Environmental Response, Compensation and Liability Act of 1980*. CERCLA, also known as "Superfund," provides authority and funding for the cleanup of past hazardous waste activities.

CFR - *Code of Federal Regulations*. Final compilation of federal regulations promulgated by different agencies that have the legal effect of law. The regulations are published in the CFR after initial publication in the Federal Register.

DISPOSAL FACILITY - A disposal facility is where solid or hazardous waste is discharged, deposited, injected, dumped, spilled, or otherwise placed in an acceptable manner so that any constituent thereof may not enter the environment or be emitted into the air or discharged into any waters including groundwater.

DOT - *Department of Transportation*. The agency that regulates the transportation of hazardous materials.

GENERATOR - The State of Michigan defines a generator as any person whose act or process produces waste. Under the Resource Conservation and Recovery Act [(RCRA) see below], a generator is an entity that produces a hazardous waste or whose actions initially cause hazardous waste to be regulated. Most criminal charges for environmental violations are brought against generators. Relatively small-sized generators (under 50 employees) dominate the number of criminally charged generators. Small sized generators include auto body shops, metal treatment plating operations, tank car refurbishing, printers and small manufacturers. Generators must obtain a U.S. EPA identification number and, if required, a state identification number. Hazardous waste can be stored for up to 90 days on site without a permit, but a permit is required if the waste is stored for a longer period.

HAZARDOUS MATERIAL - A substance or material listed at 49 CFR 172.101, including a hazardous substance, which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce. Regulated by the Department of Transportation.

HAZARDOUS SUBSTANCE - Any element, compound, mixture, solution or substance which, when released into the environment may present substantial danger to public health/welfare or the environment. The definition excludes petroleum, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel. The CERCLA definition of hazardous substance is more inclusive than the RCRA definition of hazardous waste.

HAZARDOUS WASTE - A solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics: (a) causes or significantly contributes to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or (b) poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous waste is regulated under the RCRA. The U.S. EPA has developed three lists of hazardous waste: (1) hazardous waste from nonspecific sources, (2) hazardous waste from specific sources, (3) discarded commercial chemical products. A waste can also be classified as hazardous if it is not listed, provided it exhibits one of four characteristics: ignitability, corrosivity, reactivity, or toxicity. Exemptions from the definition of hazardous waste include: household waste, agricultural waste returned as fertilizer, mining overburden returned to mining site, utility waste from coal combustion, oil and natural gas, and cement kiln dust wastes.

MANIFEST - The shipping documents that are prepared and signed by the generator in accordance with the RCRA. It designates the facilities to which the waste is being shipped, an alternate site, the name of the transporter, and all identification numbers. The manifest must be signed by all parties that have incurred responsibility for the waste during the course of shipment, and must accompany the shipment.

NPDES - *National Pollutant Discharge Elimination System*. NPDES is the effluent discharge permit program of the Federal Water Pollution Control Act. For a pollution discharge to be lawful, it must be in compliance with an NPDES permit, which may be issued by the U.S. EPA or the state environmental regulatory agency. Anyone discharging pollutants into United States' waterways must have a permit and the discharge must be in compliance with that permit.

OSHA - *Occupational Safety and Health Administration*. OSHA is a division of the Department of Labor. It regulates workplace safety through the establishment of threshold limits on exposure to designated hazardous chemicals including asbestos and carcinogens.

POLLUTANT - The term "pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. This term does not mean (A) "sewage from vessels" or (B) water, gas, or other material which is injected into a well to facilitate production of oil.

RCRA - *Resource Conservation and Recovery Act of 1976*. This act establishes an extensive hazardous waste regulatory system from the creation of the waste through its final disposal. This is done through an extensive manifest system that records the wastes location, designation and responsible parties. The RCRA gives officers, employees, or representatives of the U.S. EPA or states with an authorized hazardous waste program, the right to inspect the premises and data of anyone who generates, stores, treats, or disposes of hazardous waste.

RUBBISH – means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to public health and safety.

RELEASE - includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a hazardous substance into the environment, or the abandonment or discarding of barrels, containers, and other closed receptacles containing a hazardous substance.

REMEDIAL ACTION - Actions taken in an effort to effect a permanent remedy at a hazardous waste site taken instead of, or in conjunction with, removal actions in an effort to minimize or prevent the release or threat of release so that hazardous substances will not migrate to cause substantial danger.

REMOVAL ACTION - Includes removal of hazardous substances from a hazardous waste site and other activities necessary to protect human health and the environment. Removal action includes monitoring, site evaluation and emergency assistance.

SARA - *Superfund Amendments and Reauthorization Act of 1986*. Amendments to CERCLA which include Title III. Title III establishes the Emergency Planning and Community Right to Know Act which gives the public greater access to information concerning specific hazardous chemicals and establishes emergency response contacts and reporting requirements at the state and local levels.

SHIPPING PAPERS - Regulated by the Department of Transportation, must correctly include the proper shipping name of each hazardous material, the proper hazard class for each (i.e., flammable, corrosive), the correct identification number for each, and the correct total quantity by weight, volume, or as otherwise appropriate. After marking, the shipper must properly label each package, overpack, or freight container containing a hazardous material.

SOLID WASTE - means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry.

STORAGE FACILITY - A storage facility is used to hold hazardous waste for a temporary period, after which time it is treated, stored, or disposed of elsewhere. The waste may be stored either outside or within a designated structure. However, each storage facility must be equipped with a security system.

TRANSPORTER - Transporter regulations affect the movement of hazardous waste from the place of generation to the point of treatment, storage, or disposal. Transporters must obtain U. S. EPA identification numbers and are required to keep a copy of the manifest, or in the event of rail or water transportation, shipping papers for three years. Shipping papers must include the proper shipping name of hazardous material, the proper hazardous class for each (i.e., flammable, corrosive), the correct identification number for each, the correct total quantity by weight, volume, or as otherwise appropriate. Shippers must also ensure that applicable placarding requirements have been met for the materials being shipped. A 10-3/4 inch diamond decal must be visibly displayed on each of the four sides of the exterior of the transport container for the hazardous materials.

TSD FACILITIES - Treatment, storage, and disposal facilities are the last link in the cradle to grave hazardous waste managerial system.

Environmental Crime Enforcement

While some pollution is an unfortunate consequence of modern industrial life, there are laws that limit the amount and kinds of pollution that can be emitted, or discharged, into the environment. State and federal environmental laws set standards for what people and institutions must do to control or prevent pollution.

Enforcement is the governmental response when people or institutions fail to obey the laws. Criminal enforcement of environmental violations has become increasingly important in recent years, as it has become apparent that civil and administrative enforcement is not always sufficient to ensure compliance. Criminal enforcement may be appropriate for several reasons:

The Violation May Be Extremely Serious

- ☐ Environmental criminal activities often can involve hazardous waste and other extremely toxic chemicals. Improper handling of pollution often has a detrimental effect on the public. Terminal illness and genetically transmitted disease can result.

Civil Enforcement Alone Is Not A Deterrent

- ☐ Civil enforcement generally results in fines for the violation. Unfortunately, companies often consider such fines a cost of doing business and calculate this into the retail cost. Consequently, the public indirectly pays for the violations. Criminal enforcement can result in incarceration, an extremely effective deterrent.

Illegal Profits/Financial Incentive for Improper Disposal

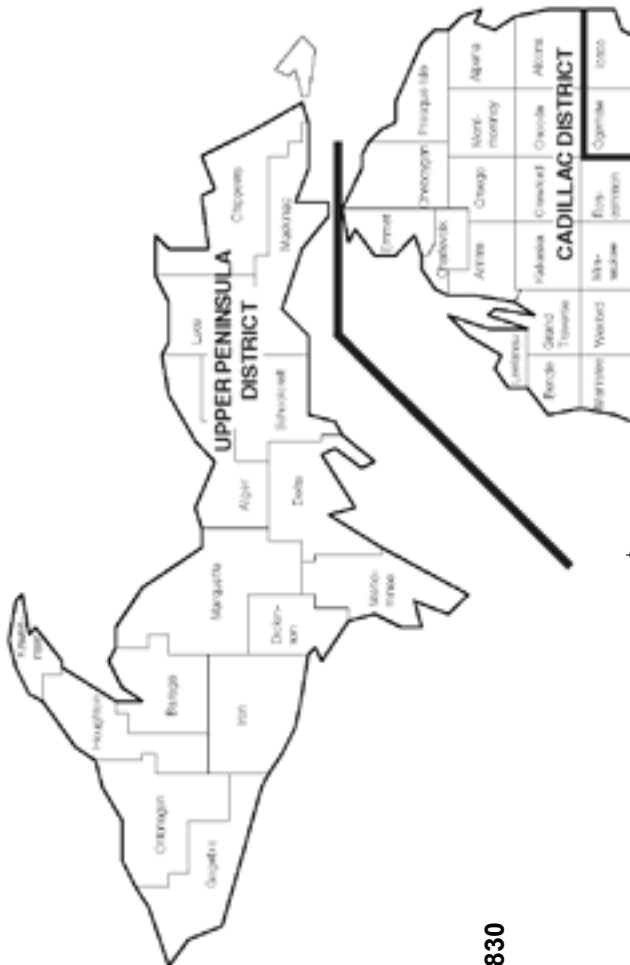
- ☐ Those who generate and/or dispose of pollution often find it profitable to dispose of the pollution illegally. Additionally, some companies may defraud other legitimate businesses by improperly disposing waste they have contracted to legally dispose.

The Violation May Seriously Undermine the Regulatory Program

- ☐ Environmental regulatory programs rely on companies to submit self-monitoring data and to honestly comply with other reporting requirements. If a company fails to report, or submits false information to the regulatory program, the effectiveness of the program is severely impacted.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

DEQ MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF CRIMINAL INVESTIGATIONS



NORTHWEST UNIT
Cadillac District 49601
 Lt. Thomas Wingate
 231-775-3960 ext. 6109
 120 W. Chapin Street

Gaylord Office 49734-5830
 D/Sgt. Vencent Woods
 989-705-3449
 2100 West M-42

Grand Rapids District

Grand Rapids District

D/Sgt. Janet Erlandson
616-356-0029
4460 44th Street, SE, Suite E,
Kentwood, MI 49512

Kalamazoo District 49009-5025

Vacant
7953 Adobe Road

Upper Peninsula District

D/Sgt. Timothy Shuker
906-346-8501
420 Fifth Street
Gwinn, MI 49841

SOUTHEAST UNIT

Warren District 48092-2793

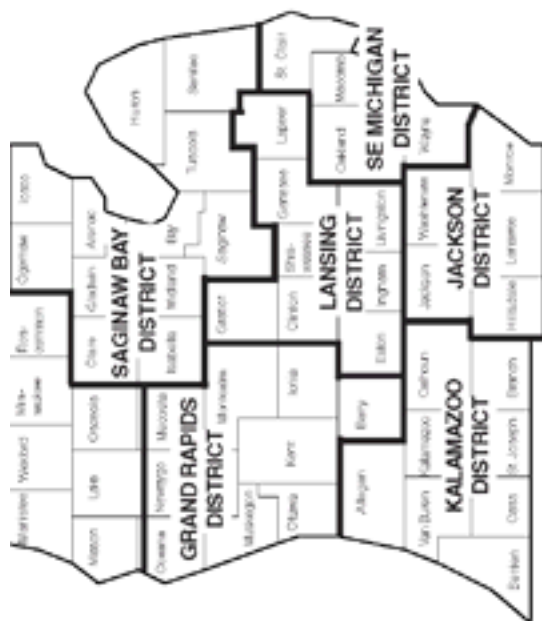
Lt. Tina Straw
586-753-3723
27700 Donald Court

Bay City 48706-2965

D/Sgt. Richard Thompson
989-686-8025 x 8108
D/Sgt. Thomas Wassa
989-686-8025 x 8107
503 N. Euclid, Suite 1

Detroit 48202

D/Sgt. Kenneth Montgomery
313-456-4676
3058 W. Grand Blvd., Suite 2-300



Jackson 49201

D/Sgt. Angela Brown
517-780-7483
301 E. Louis Glick Hwy.

Lansing 48933

D/Sgt. Thomas Ayres
517-241-2037
D/Sgt. Jennifer Wolf
517-241-2041
525 West Allegan Street, FL 4N

Warren 48092-2793

D/Sgt. Cornell Askew
586-753-3721
D/Sgt. Verne Koester
586-753-3722
D/Sgt. Charles Robinson
586-753-3720
27700 Donald Court

Hazardous Materials and Investigations Unit

The map shows the outline of New Brunswick with its various police districts labeled. District 3 is located in the southern part of the province, covering areas like Miramichi, Grand Falls, and St-John's. District 5 is located in the northern part of the province, covering areas like Edmundston and Grand Lake.

DISTRICT 3
Bay City Post
Inv. William Clark
PH: 989/684-2234
FAX: 989/684-2676

DISTRICT 5
Paw Paw HQ

COMMANDERS

ing HQ
uan Fries
17/336-6580
517/333-4414

ing HQ
nd Banks

Lansing HQ
Sgt. Brad Banks

Bay City Post
Inv. William Clark
PH: 989/684-2234
FAX: 989/684-2676

DISTRICT 5
Paw Paw HQ

Lansing HQ
Sgt. Brad Banks
PH: 517-336-6572
FAX: 517/333-4414

DISTRICT 1
Jackson Post
Inv. Tim Byrne
PH: 517-780-4580
FAX: 517-782-0120

DISTRICT 2 (NORTH)
Richmond Post
Inv. Jeffrey Snyder
PH: 586/727-0209
FAX: 586/727-0222

DISTRICT 2 (SOUTH)
Ypsilanti Post
Inv. Kevin Hogan
PH: 734/482-1267
FAX: 734/482-2207

Metro South Post
Inv. Pat Fox
PH: 734-287-5000
FAX: 734-287-5050

Metro South Post
Inv. Charles Phipps
PH: 734-287-5000
FAX: 734-287-5050

DISTRICT 5
Paw Paw HQ
Inv. Paul Clift
PH: 269/657-9389
FAX: 269/657-7571

DISTRICT 6
Grand Haven Post
Inv. Rick Dill
PH: 616/842-2100
FAX: 616/842-0769

DISTRICT 7 & 8
Sault Ste. Marie Post
Inv. Tim Switzer
PH: 906-632-2217
FAX: 906-632-3805



moh-c2 end

MSP OPERATIONS
24 HOURS
517/336-6604

Revised 08/06

MC (31a) 2002

Materials for this guide were taken from the following publications:

1. New Jersey Office of the State Environmental Prosecutors' Environmental Offenses course for New Jersey Police Officers.
2. Midwest Environmental Enforcement Association's Environmental Awareness for Local Law Enforcement Officers Manual.
3. Environmental Investigations - An Introduction for Road Patrol Personnel by James Pearsall, Palm Beach County Sheriff's Office.
4. U.S. EPA Office of Enforcement's Environmental Criminal Enforcement - A Law Enforcement Officer's Guide.
5. National Association of Attorneys General Summaries of Federal and State Environmental Criminal Enforcement Statutes.
6. Environmental Crime Enforcement - An Awareness Guide for Alabama Local Law Enforcement Officers.
7. New York State Attorney General Environmental Crimes Handbook.
8. Michigan DEQ, Office of Criminal Investigations.
9. Illinois Environmental Crimes Handbook.

Special Thanks to:

Michigan Department of Attorney General
Michigan Association of Chiefs of Police, Environmental Crimes Committee (MACP)
Michigan Department of Environmental Quality
Midwest Environmental Enforcement Association (M.E.E.A.)
U.S. Environmental Protection Agency, Criminal Investigations Division

Enforcement Contacts *(continued)*

Department of Environmental Quality (D.E.Q.)

Office of Criminal Investigations..... 517-335-3434

U.S. Environmental Protection Agency

Criminal Investigation Division, Grosse Ile..... 734-692-7650

Carol Paskiewicz, Resident Agent in Charge 734-692-7656

Lynn Rademacher, Special Agent 734-692-7651

Rich Porter, Special Agent 734-692-7659

U.S. Environmental Protection Agency

Pollution Hotline 800-621-8431

Michigan Department of Attorney General

Criminal Prosecutions Division

Thomas Cameron, Chief 517-241-6565

Environmental Crimes

Thomas Piotrowski, Assistant Attorney General..... 313-456-0204

Other Contacts:

Toxic Material Inventory/Right To Know (D.E.Q.) 517-373-8481

National Pesticide Telecommunications 800-858-7378

(Health effects, environmental effects, spill
handling and disposal clean-up, Poison Control Center
Information)

National Institute of Environmental Health Sciences..... 800-643-4794

(Pesticides, drinking water, indoor air quality, radon,
multiple chemical exposures, industrial emissions,
electromagnetic fields)

